



January 3, 2025

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VIA ECF

Honorable Judge Paul A. Engelmayer
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Justin Samuels vs. Barnard College
Docket No.: 1:23-cv-06181(PAE)(SLC)
Our File No.: 22643-00057

Dear Hon. Engelmayer:

We represent the defendant, Barnard College, in the referenced matter and write in response to plaintiff's letter filed on December 30, 2024.

In October 2024, defendant wrote to plaintiff requesting an extension to respond to plaintiff's Second Amended Complaint ("SAC"). That same month, Magistrate Cave submitted her Report and Recommendation regarding defendant's Motion to Dismiss. Pending Your Honor's decision on the Report and Recommendation, defendant cannot yet submit an answer to the SAC. *See Diallo v. City of New York*, 95 Civ. 5483, 1996 U.S. Dist. LEXIS 7485, at *4 (S.D.N.Y. May 30, 1996) ("defendants are not required to answer the complaint while their motion to dismiss is pending").

Upon Your Honor's decision of the Motion to Dismiss, defendant will submit its response to the SAC if necessary.

Thank you for your time and consideration.



Respectfully submitted,

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

/s/ Jenna A. Agatep

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